

HOW IS RESTITUTION COLLECTED WHEN THE OFFENDER IS RELEASED FROM PRISON?

Any outstanding restitution owed upon the offender's release will be referred to the Franchise Tax Board (FTB). Victims may verify that their restitution debt has been transferred to the FTB by calling the OVSRS.

If an offender was in state prison, but is now under the supervision of the Probation Department, the CDCR may still be responsible for collection of restitution.

WHAT SHOULD I DO IF I DON'T GET PAID?

Restitution orders do not expire and cannot be discharged through bankruptcy. The offender's restitution debt remains until it is paid in full.

If the offender is on probation, contact the Probation Department at 951-955-9451, which will assist you in obtaining restitution from the offender.

If the offender was sentenced to state prison, inform the CDCR's OVSRS that you are not receiving payments.

CAN I COLLECT RESTITUTION AS CIVIL JUDGMENT?

If you would like to collect a restitution order on your own, you may do so through a **civil judgment**. Please consult the California Judicial Branch at courts.ca.gov for more information.

WILL THERE BE A RESTITUTION HEARING?

The offender has a right to ask for a restitution hearing, if he/she disagrees with the amount of restitution.

You may be asked to appear at the hearing and/or provide more information regarding your claimed losses. Please contact your victim advocate, the District Attorney's Office, or the Probation Department for assistance.

IS FINANCIAL ASSISTANCE AVAILABLE BEFORE THE OFFENDER PAYS?

You may be eligible for financial assistance through the Victim Compensation and Government Claims Board (VCGCB) before the offender is sentenced and ordered to pay restitution or if a restitution order was imposed, but restitution cannot be collected immediately.

Please contact your victim advocate for more information.

ARE ADDITIONAL VICTIM RESOURCES AVAILABLE?

You may also get help from:

- California Victim Compensation Program
800-777-9229
info@vcgcb.ca.gov
calvcp.ca.gov
- Riverside County Victim Services Main Office
951-955-5450
- CDCR's Office of Victim and Survivor Rights and Services (OVSRS)
877-256-6877
cdcr.ca.gov/victims
- California Attorney General's Office of Victim Services (for appeal information on adult offenders sentenced to life in prison)
877-433-9069
- McGeorge School of Law, Victim Resource Center (for a wide range of information and services to crime victims)
800-VICTIMS (800-842-8467)
1800victims.org
- The California Judicial Branch
courts.ca.gov
- Division of Juvenile Justice (DJJ) Victim Services
916-262-0896

RIVERSIDE COUNTY PROBATION DEPARTMENT

Victim Restitution Guide



Ron Miller II
Chief Probation Officer

DO CRIME VICTIMS HAVE A RIGHT TO RESTITUTION?

The Victims' Bill of Rights Act (Marsy's Law, California Constitution article I, §28) gives victims the right to restitution:

"All persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer."

"Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss."

WHAT IS RESTITUTION?

Restitution is monetary compensation for crime-related expenses owed to you by the offender.

There are two types of restitution:

An offender's debt to the victim is called **Restitution Order**. Under State law, judges are required to order the offender to pay restitution to the victim for economic losses.

An offender's debt to society is called **Restitution Fine**. Under State law, juvenile offenders are required to pay \$0 to \$100 for misdemeanor convictions and \$100 to \$1,000 for felony convictions. Adult offenders are required to pay \$150 to \$1,000 for misdemeanor convictions and \$300 to \$10,000 for felony convictions.

The restitution fine goes into the State's Restitution Fund, which helps compensate the victims to pay for expenses as a result of eligible crimes.

HOW DO I OBTAIN RESTITUTION?

The judge must impose a restitution order to be paid by the offender. In order to do this, **the judge will need correct information from you about your losses.**

Follow these steps:

1. Get the crime report number and the offender's name or ask a victim advocate at the District Attorney's office to assist you.
2. Keep copies of bills, receipts, expenses, and any insurance information related to the crime.
3. Give copies of loss information to your victim advocate, deputy district attorney, and/or probation officer before the sentencing hearing.

In order for restitution to be collected, a definite dollar amount must be set.

Sometimes, you may not know the total amount of your losses before the offender's sentencing hearing. In these cases, restitution will be ordered with an amount "To Be Determined" (TBD).

Once you know your expenses, contact the Probation Department's Victim Restitution and Resources Division. You will be assigned a Restitution Technician, who will submit a written recommendation to the sentencing judge on your behalf. Once the judge receives the recommendation and sets the restitution amount, the court's Enhanced Collections Division can begin the collection process.

You may contact the Victim Restitution and Resources Division by phone at **951-955-9451** or by e-mail at **victimrestitution@rivco.org**.

The following, among others, may qualify as losses:

- Property loss
- Medical expenses
- Mental health counseling
- Funeral expenses
- Loss of wages
- Relocation expenses
- Security system expenses
- Attorney fees

HOW IS RESTITUTION COLLECTED?

Any money collected from the offender will be forwarded to you by the appropriate agency.

If the offender is sentenced to **county jail** or granted **probation**, you should be in contact with the **Enhanced Collections Division (ECD)**, which will handle your restitution collection.

You may contact the ECD at **1-877-955-3463**.

If the offender is sentenced to **state prison**, you should be in contact with the **California Department of Corrections (CDCR)**, which will automatically collect restitution from the offender. It is important to have your current contact information on file with the CDCR, in order to enable the CDCR to send any restitution collected to you. Notify the CDCR each time you move.

You may contact the CDCR Office of Victim and Survivor Rights and Services (OVSRS) directly at **1-877-256-6877** or visit **www.cdcr.ca.gov**.

Your contact information will always remain confidential.